

**REMARKS**

Claims 1-50 are currently pending in the present application. Claim 1 has been amended in the expectation that the amendments will place this application in condition for allowance. The amendments do not introduce new matter within the meaning of 35 U.S.C. § 132. Accordingly, entry of the amendments is respectfully requested.

**1. Rejection of Claims 1-12 under 35 U.S.C. § 103(a)**

The Official Action states that claims 1-12 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,205,473 to Thomasson. In particular, the Official Action states:

Regarding claim 1, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson inherently utilizes a confirmation and delivery application as Thomasson discloses utilizing the TCP/IP protocol for data sent over the internet and the satellite link (column 5, line 17-column 6, line 9). TCP requires that an acknowledgement, called an ACK, be received from the destination machine upon successfully receiving the data. If the appropriate ACK is not received within a certain time limit, the packet is retransmitted. Thomasson does not disclose a number of affiliate

computers, but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use of the internet to sent digital audio and video is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet as to reduce the load placed on an individual server and provide more entertainment options for a user.

Regarding claim 2, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio or video information from the media server or a number of affiliate computers, but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use of the internet to sent digital audio and video is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet as to reduce the load placed on an individual server and provide more entertainment options for a user.

Regarding claim 3, Thomasson discloses in Figure 1, a system for transmitting data, with a media server

(NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio or video information from the media server or a number of affiliate computers, but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use of the internet to sent digital audio and video is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet as to reduce the load placed on an individual server and provide more entertainment options for a user.

Regarding claim 4, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio or video information from the media server, a number of affiliate computers or the use of one way broadcast receivers but does disclose downloading web pages from the media server (column 4, lines 25-33).

The examiner takes official notice that a number of

headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, that one way receivers which do not communicate back to a headend device and that the use of the internet to send digital audio and video are well known in the art (such as cable channels which carry radio programming). Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet and transmit it to a one way receiver as to reduce the load placed on an individual server, provide low cost receivers to a user and provide more entertainment options for a user.

Regarding claims 5-7, Thomasson discloses in Figure 1 a one-way satellite link (column 4, lines 18-25).

Regarding claims 8-12, Thomasson discloses that LAN uses Ethernet protocol (column 5, line 17-column 6, line 9) for the transmission of data to and from the receivers. Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet.

Applicants respectfully traverse the rejection of claims 1-12. Applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently claimed subject matter prior to the October 3, 1997 filing date of the Thomasson reference. Accordingly, the Thomasson reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-12.

**2. Rejection of claims 21-30 and 37-41 under 35 U.S.C. §  
103(a)**

The Official Action states that claims 21-30 and 37-41 are rejected under 35 USC 103(a) as being unpatentable over 6,205,473 to Thomasson in view of US Patent 6,115,040 to Bladow. In particular, the Official Action states:

Regarding claim 4, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio or video information from the media server or a number of affiliate computers or a plurality of production computer servers, but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner take official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use of the internet to send digital audio and video is well known in the art. Bladow discloses in Figure 2, a number of web servers 24 which are connected to the internet. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet and to connect a plurality of web servers as to reduce the load placed on an individual server and provide more entertainment

options for a user.

Regarding claims 22 and 23, Thomasson discloses in Figure 1 a one-way high bandwidth satellite link (column 4, lines 18-25).

Regarding claims 24-30, Thomasson discloses in Figure 1, a system for transmitting data via the Internet and satellite link. Thomasson does not disclose a web based monitoring application for determining status information. Bladow discloses in Figure 4, a web based monitoring system that monitors traffic, server status and specific transactions between devices, for servers located remotely (column 8, line 46-column 9, line 14, column 10, line 42-column 1, line 26). Therefore, it would have been obvious to one skilled in the art to modify Thomasson to include the monitoring capabilities of Bladow to increase the uptime of the network and allow an administrator to solve problems on the network.

Regarding claims 8-12, Thomasson discloses that LAN uses Ethernet protocol (column 5, line 17-column 6, line 9) for the transmission of data to and from the receivers. Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet.

Applicants respectfully traverse the rejection of claims 21-30 and 37-41. Applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently claimed subject matter prior to the October 3, 1997 filing date of the Thomasson reference. Accordingly, the Thomasson reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 21-30 and 37-41.

**3. Rejection of claims 13-20 under 35 U.S.C. § 103(a)**

The Official Action states that claims 13-20 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,205,473 to Thomasson in view of US Patent 6,385,647 to Willis. In particular, the Official Action states:

Regarding claims 13-20, Thomasson discloses that the LAN uses Ethernet protocol (column 5, line 17-column 6, line 9). Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet. Thomasson does not disclose the use of IP multicasting, but does disclose that the network is TCP/IP compatible (column 5, lines 60-65). Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

Applicants respectfully traverse the rejection of claims 13-20. Applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently claimed subject matter prior to the October 3, 1997 filing date of the Thomasson

reference. Accordingly, the Thomasson reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 13-20.

**4. Rejection of claims 44-47, 49 and 50 under**

**35 U.S.C. § 103(a)**

The Official Action states that claims 44-47, 49 and 50 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,205,473 to Thomasson in view of US Patent US Patent 6,115,040 to Bladow in further view of US Patent 6,385,647 to Willis. In particular, the Official Action states:

Regarding claims 13-20, Thomasson discloses that the LAN uses Ethernet protocol (column 5, line 17-column 6, line 9). Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet. Thomasson and Bladow do not disclose the use of IP multicasting, but do disclose that the network is TCP/IP compatible (Thomasson: column 5, lines 60-65). Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

Applicants respectfully traverse the rejection of claims 44-47, 49 and 50. Applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently



claimed subject matter prior to the October 3, 1997 filing date of the Thomasson reference. Accordingly, the Thomasson reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 44-47, 49 and 50.

**5. Objection to claims 31-36, 42, 43 and 48**

The Official Action states that claims 31-36, 42, 43 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter in this case. However, because applicants have made arguments and amendments to the rejected claims to place this application in condition for allowance, no amendments to claims 31-36, 42, 43 and 48 are necessary to overcome this objection.

Accordingly, applicants respectfully request that the Examiner withdraw the objection to claims 31-36, 42, 43 and 48.

**CONCLUSION**

Based upon the above remarks, the presently claimed

subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw the rejections of pending claims 1-50. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

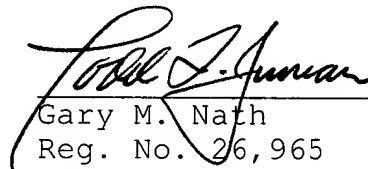
The Examiner is welcomed to telephone the undersigned attorney if he has any questions or comments.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: December 13, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Application of:

FISH et al.

Serial No. 09/263,801

Examiner: H. Lonsberry

Filed: March 6, 1999

Group Art Unit: 2611

For: **METHOD AND APPARATUS FOR PUSH AND PULL DISTRIBUTION  
OF MULTIMEDIA**

Appendix A

Please amend claim 1 as outlined in the following  
"marked-up" copy:

1. (Amended) A system for distribution of digital media  
information to one or more recipients, the system  
comprising in combination:

Fig 1

(16) A. a media server;  
20, 28, 30 B. a plurality of affiliates<sup>(20)</sup> located remotely  
from the media server; (16)

18 C. a one-way broadcast system to which the media  
server is connected and into which the media  
server can deliver information for broadcast  
to one or more affiliates; 28, 29, 30

IDSN 26 22 28 24 D. a two-way connection between the media server  
and plurality of affiliates; and

E. a confirmation application running in  
connection with each affiliate and being  
Fig 6 adapted to provide confirmation of receipt of  
88

Fig 14-17

\ the information by the affiliate to the media server through the two-way connection; and

F156

98

F. a delivery application running in connection with the server in order to resend the information to [an affiliate] a selected one of said plurality of affiliates in the absence of receipt of confirmation from the selected affiliate of its receipt of such information,

wherein the system is selectively enabled for push distribution, pull distribution and push-pull distribution of said digital media information.